

CASITAS MUNICIPAL WATER DISTRICT

RESOLUTION NO. 2019-29

**RESOLUTION BY THE BOARD OF DIRECTORS OF THE CASITAS MUNICIPAL
WATER DISTRICT, STATE OF CALIFORNIA, DECLARING THE EXISTENCE OF A
LOCAL EMERGENCY AND NECESSITY**

WHEREAS, California Water Code section 71642 empowers the Board of Directors to declare or proclaim the existence, threat or duration of an emergency or matter of necessity by resolution when the Casitas Municipal Water District (“District”) is threatened or likely to be threatened by conditions involving a clear and imminent danger to the health, safety and welfare of persons, property and environmental (fish and wildlife) resources within its jurisdiction and mission; and

WHEREAS, California Water Code section 71643 states that a finding of emergency by the Board of Directors means evidence that may be offered and received in any civil or criminal proceeding and shall be proof and evidence of the fact until rebutted or overcome by other sufficient evidence received in such proceeding; and

WHEREAS, the Thomas Fire of 2017-2018 was the then largest wildfire in the history of California in terms of acreage burned; and

WHEREAS, the Thomas Fire burned and destroyed tens of thousands of acres of forest and watershed vegetation within and around the District’s jurisdiction; and

WHEREAS, because of the Thomas Fire, unprecedented amounts of fire debris and exposed soils increased the likelihood of debris flows, topsoil and sediment disposition into creeks, streams and rivers that are an integral part of the District’s watershed management and water supply system; and

WHEREAS, the rains that fell upon much of California during late 2018 and early 2019 led directly to significant and overwhelming debris flows, mud flows, topsoil and sediment disposition into creeks, streams and rivers that are an integral part of the District’s watershed management and water supply system such that the District’s Robles Fish Passage and Diversion facility from the Ventura River has been in an impaired condition since Spring 2019; and

WHEREAS, the 2019 wet or rain season caused over seven feet of additional debris to accumulate at the forebay area of the Robles Fish Passage and Diversion facility forcing two complete shutdowns of the facility during the season, impacting both fish passage and diversion operations; and

WHEREAS, the District upon discovery of such emergency conditions immediately applied for permits from local, state and federal agencies to clear the fire debris, mudflow and sediment buildup from the Robles Diversion forebay so that the diversion and the fish ladder could be rescued from its impaired condition; and

WHEREAS, the District began coordination efforts with State and Federal permitting agencies in March of 2019 with the goal of having the required permits in August of 2019 so that construction and clearance work could be completed before the wet season in November 2019; and

WHEREAS, the totality of permits from the state and federal agencies have not materialized or have been very slow in materializing such that the season for construction and fire debris removal from a waterway or stream (June through October) from the affected District facilities has been stymied or precluded; and

WHEREAS, despite six months of coordination efforts with the local, state and federal permitting agencies and assistance from both State and Federal elected officials the required permits are still outstanding as of the date of this resolution; and

WHEREAS, the failure to receive the necessary local, state and federal permits so that the debris removal work could commence and be completed during the 2019 construction season will mean that the District will have to wait until at least July of 2020 at the earliest to start and complete such work; and

WHEREAS, this delay in starting and completing the fire debris removal and District facility repair work will increase the harm to water conveyance and delivery for water storage in Lake Casitas, which has been declared by the Board of Directors to be in a Stage 3 mandatory conservation condition, and further debilitate the Robles Fish Passage and Diversion facility that was constructed to aid the migration, movement, and passage of federally-listed endangered Southern California Steelhead Trout up and down the Ventura River habitat area; and

WHEREAS, the proposed District work to clear the fire debris and sediment buildup is categorically exempt from environmental review under the California Environmental Quality Act because such work involves “[m]aintenance of fish screens, fish ladders . . . streamflows . . . and stream channels (clearing of debris) to protect fish and wildlife resources” (14 Calif. Code of Regs., §15301, subd. (i)); and

WHEREAS, the upcoming wet season will likely cause greater and further fire debris and mudflow that will exacerbate the existing emergency conditions that have crippled and damaged the District's Robles Fish Passage and Diversion facility; and

WHEREAS, these conditions above are beyond the services, equipment, personnel, fiscal resources and control of the District.

NOW, THEREFORE, BE IT RESOLVED AND DECLARED by the Board of Directors of the Casitas Municipal Water District that for the reasons set forth in this Resolution, a local state of emergency and necessity now exists throughout the District's jurisdiction; and

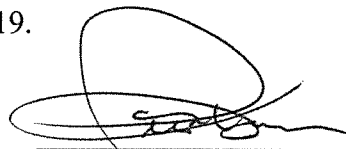
BE IT FURTHER RESOLVED that the involved state and federal agencies are requested to expedite, complete and issue the necessary permits to the District so that the District may begin and complete fire debris and sediment buildup at its Robles Diversion and Fish Passage and thus mitigate the harm already sustained to the District's water storage and delivery operations at Lake Casitas and migration of steelhead through the Fish Passage.

BE IT FURTHER RESOLVED AND ORDERED that during the existence of this local emergency, the powers, functions and duties of the District shall be those prescribed by state law and regulations and that this emergency shall be deemed to continue to exist until the District Board of Directors proclaims its termination.

BE IT FURTHER RESOLVED AND ORDERED that public employees, officers and governing bodies of the District are hereby granted full immunity to the extent allowed by law for actions undertaken in compliance with this Resolution.

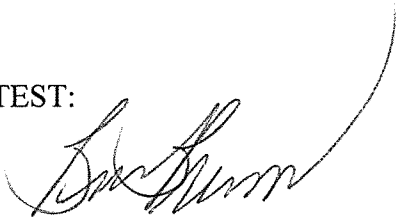
BE IT FURTHER RESOLVED AND ORDERED that this Board of Directors shall review the need for continuing this emergency at least once every 30 days until this Board of Directors terminates the local emergency.

DECLARED this 23rd day of October 2019.



Pete Kaiser, President
Casitas Municipal Water District

ATTEST:



Brian Brennan, Secretary
Casitas Municipal Water District